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16 **UNITED STATES DISTRICT COURT**

17 **FOR THE DISTRICT OF NEVADA**

18 SEAN KENNEDY, individual; ANDREW  
 19 SNIDER, individual; CHRISTOPHER  
 20 WARD, individual; RANDALL WESTON,  
 21 individual; RONALD WILLIAMSON,  
 22 individual,

23 Plaintiffs,

24 vs.

25 LAS VEGAS SAND CORP., a Domestic  
 26 Corporation; SANDS AVIATION, LLC, a  
 27 Domestic Limited-Liability Company; LAS  
 28 VEGAS SANDS, LLC, a Domestic Limited-  
 Liability Company; INTERFACE  
 29 OPERATIONS, LLC, a Foreign Limited-  
 Liability Company,

30 Defendants.

31 CASE NO.: 2:17-cv-00880-JCM-VCF

32 **DEFENDANTS' LAS VEGAS SANDS  
 33 CORP., SANDS AVIATION, LLC, AND  
 34 LAS VEGAS SANDS, LLC'S**

35 (i) **MOTION FOR PARTIAL  
 36 DISMISSAL OF PLAINTIFFS'  
 37 COMPLAINT AND/OR**  
 38 (ii) **REQUEST FOR MORE DEFINITE  
 39 STATEMENT**

40 *(Filed Concurrently With Defendants Las  
 41 Vegas Sands Corp., Sands Aviation, LLC,  
 42 and Las Vegas Sands, LLC's Motion to Strike  
 43 Portions of Plaintiffs' Complaint)*

44 Defendants Las Vegas Sands Corp., Sands Aviation, LLC, and Las Vegas Sands, LLC  
 45 (collectively referred to as "Defendants") by and through their undersigned counsel of record,  
 46 hereby move for partial dismissal of Plaintiffs' Complaint (ECF No. 1.) Specifically, Defendants  
 47 move to dismiss: (1) Plaintiffs' claim for retaliation for failure to state a claim upon which relief  
 48 could be granted; and (2) Defendants Las Vegas Sands Corp. and Las Vegas Sands, LLC. In the  
 49 alternative, Defendants move for a more definite statement as to what Plaintiffs' Complaints were

1 and how Defendants retaliated against them as a result of these purported complaints.<sup>1</sup>

2 This Motion is made pursuant to Rules 12(b)(6) and 12(e) of the Federal Rules of Civil  
 3 Procedure and based on the records, pleadings and papers on file herein, together with the  
 4 following Memorandum of Points and Authorities, and any such further argument as the Court  
 5 may deem appropriate.

6 Dated this 3rd day of May, 2017.

7  
 8 OGLETREE, DEAKINS, NASH, SMOAK &  
 9 STEWART, P.C.

10 /s/ Dana B. Salmonson

11 Anthony L. Martin  
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 16 *Attorneys for Defendants Las Vegas Sands*  
 17 *Corp. Sands Aviation, LLC, and Las Vegas*  
 18 *Sands, LLC*

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **I. INTRODUCTION**

21 Plaintiffs are current and former employees of Defendants and filed the instant action  
 22 against Defendants. Plaintiffs' claim for retaliation does not pass muster under the pleading  
 23 standard articulated in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955 (2007) and  
 24 *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937 (2009) because Plaintiffs have not pled any facts  
 25 that would give rise to their otherwise vague and unsupported claim for retaliation. Specifically,  
 26 Defendants are left guessing as to which Plaintiffs claim retaliation, what FLSA rights were  
 27 asserted, and what the retaliatory act was. Plaintiffs make general and vague allegations that, when  
 28 they voiced their opinions about overtime, Defendants would retaliate, having their titles reduced

29  
 30 <sup>1</sup> Defendants do not believe that a more definite statement is necessary as to Defendants Las Vegas  
 31 Sands Corp. and Las Vegas Sands, LLC because no amendment or additional facts exist to  
 32 demonstrate how either entity was Plaintiffs' employer. Any relief to amend on these grounds  
 33 would be futile.

1 and being refused flex time and transport of family members of Defendants' executives. (ECF No.  
 2 1 at ¶ 252.) However, there are no specific factual allegations against Defendants on behalf of  
 3 Plaintiffs Snider, Ward, or Williamson. Additionally, Plaintiff Kennedy's purported retaliation  
 4 was unrelated to any alleged complaints protected under 29 U.S.C. § 215(a)(3) and was as a result  
 5 of him complaining about passengers. (*Id.*, ¶ 136.) Without making any allegations that each  
 6 individual Plaintiff engaged in activity protected by the FLSA, what their alleged adverse actions  
 7 were, and who purportedly directed such an adverse action, Plaintiffs' claim for retaliation does not  
 8 comply with Rule 8(a), and should be dismissed.

9 Further, as some sort of arbitrary "catch all," Plaintiffs collectively define "Defendants" as  
 10 Las Vegas Sands Corp., Las Vegas Sands, LLC, and Sands Aviation, LLC<sup>2</sup> and somehow maintain  
 11 that "Defendants" employed Plaintiffs as pilots to transport Defendants' patrons, executives,  
 12 friends, and others on Defendants fleet of private jets around the world. (ECF No. 1, ¶ 10.) Las  
 13 Vegas Sands Corp. and Las Vegas Sands, LLC did not employ Plaintiff, nor do Plaintiffs allege  
 14 any type of joint-employment relationship between them and Sands Aviation, LLC - likely because  
 15 one does not exist. Because Las Vegas Sands Corp. and Las Vegas Sands, LLC were not  
 16 Plaintiffs' employers, as a matter of law, they cannot be held liable for violations of the FLSA and  
 17 related retaliation.

18 In the alternative, Defendants hereby move this Court, pursuant to Rule 12(e) of the Federal  
 19 Rules of Civil Procedure, to order Plaintiffs to amend their Complaint and actually plead the facts  
 20 that allegedly form the basis of their retaliation claim.<sup>3</sup> Plaintiffs' claim for retaliation is vague,  
 21 ambiguous, and unintelligible. Although it contains claims purporting to set forth allegations of  
 22 retaliation, the Complaint fails to identify even the most basic set of facts supporting this claim,  
 23 such as identifying which Plaintiffs are claiming retaliation. Because of the Complaint's utter lack  
 24 of clarity, Defendants are unable to frame a response thereto and are prohibited from setting forth

25 <sup>2</sup> Plaintiffs also include Interface Operations LLC in their definition of "Defendants." Interface  
 26 Operations LLC has separate counsel and will be responding separately.

27 <sup>3</sup> As previously stated, Defendants do not believe that a more definite statement is necessary as to  
 28 Defendants Las Vegas Sands Corp. and Las Vegas Sands, LLC because no amendment or  
 additional facts exist to demonstrate how either entity was Plaintiffs' employer.

1 the appropriate defenses. Thus, if the Court does not outright dismiss Plaintiffs' claim for  
 2 retaliation, Defendants respectfully request that the Court, at a minimum, order Plaintiffs to file an  
 3 amended complaint that identifies the facts on which their retaliation claim is premised.

4 **II. SUMMARY OF FACTS FROM PLAINTIFFS' COMPLAINT<sup>4</sup>**

5 Plaintiffs filed their Complaint on March 27, 2017 alleging two causes of action: (1) unpaid  
 6 overtime, liquidated damages, and attorneys' fees pursuant to 29 U.S.C. 207(a), 29 U.S.C. §  
 7 216(b), and 29 U.S.C. § 255(a); and (2) retaliation in violation of 29 U.S.C. § 215(a)(3). (ECF No.  
 8 1.) More specifically, Plaintiffs' claim they are not exempt employees and are owed overtime for  
 9 all hours worked including time they were "on-call." *Id.*

10 Plaintiffs define Defendants Las Vegas Sands Corp. and Las Vegas Sands, LLC as  
 11 proprietors of numerous resorts and hotels in Las Vegas, and Las Vegas Sands Corp. is a publically  
 12 traded Company. (ECF No. 1, ¶ 6.) Plaintiffs further allege that Defendant Sands Aviation, LLC  
 13 provides aviation services to executives and patrons of Las Vegas Sands Corp. and Las Vegas  
 14 Sands, LLC. (*Id.* at ¶ 7.) The pilots that Sands Aviation, LLC employs are tasked with  
 15 transporting Defendants' executives, patrons, and others to and from Las Vegas. (*Id.*)

16 In addition to inappropriately naming Defendants Las Vegas Sands Corp. and Las Vegas  
 17 Sands, LLC, the focus of this Motion is Plaintiffs' claim for retaliation in violation of 29 U.S.C. §  
 18 215(a)(3). Aside from Plaintiff Weston, Plaintiffs have failed to identify any other Plaintiff who is  
 19 alleged to have experienced retaliation related to their concerns with the payment of overtime.  
 20 Plaintiffs generally allege that they had communications with Defendants' managers, executives,  
 21 and other employees regarding the topic of overtime. (ECF No. 1, ¶ 32.) However, none of the  
 22 remaining Plaintiffs make any allegations that they engaged in a protected activity, when this  
 23 activity occurred, what adverse action was taken against them and when, and who was responsible  
 24 for said adverse action. Plaintiff Weston alleges that he expressed concern over some of the

25 <sup>4</sup> For purposes of this Motion, Defendants acknowledge that all factual allegations contained in the  
 26 Complaint are to be regarded as true and all inferences must be drawn in favor of Plaintiff, even  
 27 though Defendants neither admit nor deny the same. Moreover, Defendants have not filed an  
 Answer to Plaintiff's Complaint because a Rule 12(b)(6) motion enlarges the time to file the same.  
 See Fed. R. Civ. P. 12(a)(4).

1 business practices of Defendants. (*Id.* at ¶ 88.) In response, Plaintiffs allege that Defendants  
 2 scheduled Weston heavily over the next months and he flew one hundred and fifty-two hours in the  
 3 span of three months. (*Id.* at ¶¶ 89-90.) Plaintiff Weston also alleges retaliation in May, 2016  
 4 when, after advising Defendants he was eligible for overtime, he was scheduled for eight days  
 5 straight for flights. (*Id.* at ¶¶ 91-92.)

6 Plaintiffs make general and vague allegations that, when they voiced their opinions about  
 7 overtime, Defendants would retaliate, having their titles reduced and being refused flex time and  
 8 transport of family members of Defendants' executives. (ECF No. 1 at ¶ 252.)

### 9 **III. LEGAL ANALYSIS**

#### 10 **A. Dismissal Pursuant to FRCP 12(b)(6)**

11 Federal Rule of Civil Procedure 12(b)(6) authorizes this Court to dismiss a complaint for  
 12 failure to state a claim upon which relief can be granted. *See Yazoo County Indus. Dev. Corp. v.*  
*Suthoff*, 454 U.S. 1157, 1161 (1982). "To survive a motion to dismiss, a complaint must contain  
 13 sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face."  
*Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal punctuation and citation omitted); Federal  
 15 Rule of Civil Procedure (8)(a)(2) (stating a claim requires a statement showing the plaintiff is  
 16 entitled to relief). "Factual allegations must be enough to raise a right to relief above the  
 17 speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). "[A] district court  
 18 must retain the power to insist upon some specificity in pleading before allowing a potentially  
 19 massive factual controversy to proceed." *Id.* at 558 (quoting *Associated Gen. Contractors of Cal.,*  
*Inc. v. Carpenters*, 459 U.S. 519, 528 n.17 (1983)).

20 Testing the sufficiency of the complaint thus involves two steps. *Iqbal*, 556 U.S. at 678-79.  
 21 During the first step, the court identifies and eliminates from further consideration allegations that  
 22 "are no more than conclusions." *Id.* at 678. A plaintiff "does not unlock the doors of discovery . . .  
 23 armed with nothing more than conclusions." *Id.* Unless there are "well-pleaded facts" that  
 24 demonstrate the plausibility of the claim, "the complaint has alleged - but it has not shown - that  
 25 the pleader is entitled to relief." *Id.* (quotations omitted) (citing Federal Rule of Civil Procedure  
 26 8(a)(2)). Moreover, neither "legal conclusions couched as factual allegations" nor "naked  
 27 28

assertions devoid of further factual enhancement" are enough to survive a motion to dismiss. *Id.* at 678; *see also Twombly*, 550 U.S. at 555 (citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986)); *Brown v. Elec. Arts, Inc.*, 724 F.3d 1235, 1247-48 (9th Cir. 2013). Only if and "[w]hen there are well-pleaded factual allegations," the court proceeds to the next step to determine "whether they plausibly give rise to an entitlement to relief." *Iqbal*, 556 U.S. at 679. "While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Id.* When the claims have not crossed the line from conceivable to plausible, the complaint *must* be dismissed. *Iqbal*, 556 U.S. at 670. "Determining whether a complaint states a plausible claim for relief will . . . be a context-specific task that requires the court to draw on its judicial experience and common sense." *Id.* at 679.

While courts must assume all of the factual allegations in the complaint are true, legal conclusions in the form of factual allegations are not deserving of the same treatment. *Artist Housing Holdings, Inc. v. Davi Skin, Inc.*, 2007 WL 2509846 at \*1 (D. Nev. Aug. 28, 2007) (quoting *W. Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981)).

**B. Plaintiffs' Complaint Should be Dismissed Against Las Vegas Sands Corp. and Las Vegas Sands, LLC Because They did not Employ Plaintiffs**

Plaintiffs may not bring their claims against Las Vegas Sands Corp. and Las Vegas Sands, LLC because neither were Plaintiffs' employer and, importantly, Plaintiffs have not alleged with any specificity that Las Vegas Sands Corp. and Las Vegas Sands, LLC were their employer or somehow impacted or controlled Plaintiffs' employment. An employer cannot be liable to an individual unless there is "some connection with an employment relationship." *Anderson v. Pacific Maritime Ass'n*, 336 F.3d 924, 930 (9th Cir. 2003). To establish an employment relationship existed, Plaintiffs must offer more than unsubstantiated allegations, which amount to nothing more than a series of labels and conclusions. *EEOC v. Global Horizons, Inc.*, 2011 WL 5325747 (D. Hawaii 2011). In *Global Horizons*, the court noted that the First Amended Complaint

1 was “completely devoid of any factual allegations regarding the nature of the relationship between  
 2 each of the Moving Defendants and the Claimants.” *Id.* at \*10.

3 The FLSA provides that “[e]very employer shall pay to each of his employees who in any  
 4 workweek is engaged in commerce or in the production of goods for commerce, or is employed in  
 5 an enterprise engaged in commerce or in the production of goods for commerce,” a minimum  
 6 wage. 29 U.S.C. § 206(a). “Any employer who violates the provisions of section 206 or section  
 7 207 of this title shall be liable to the employee or employees affected in the amount of their unpaid  
 8 minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional  
 9 equal amount as liquidated damages.” 29 U.S.C. § 216(b).

10 To state a claim for violations of the FLSA, there must be an employer-employee  
 11 relationship. This requires an “employer” and “employee” and the act or condition of employment.  
 12 FLSA sections 3(d), (e), and (g) define the terms “employer,” “employee,” and “employ.” The  
 13 Court applies an economic reality test to determine whether a joint employment relationship exists  
 14 under FLSA, considering whether alleged employer: (1) had the power to hire and fire employees;  
 15 (2) supervised and controlled employee work schedules or conditions of payment; (3) determined  
 16 the rate and method of payment; and (4) maintained employment records. *Nissenbaum v. NNH Cal*  
 17 *Neva Services Co., LLC*, 983 F. Supp. 2d 1234, 1239 (D. Nev. 2013) (citing *Torres-Lopez v. May*,  
 18 111 F.3d 633, 638 (9th Cir. 1997) and *Moreau v. Air France*, 356 F.3d 942, 946-47 (9th Cir.  
 19 2004)).

20 Here, Plaintiffs’ failure to provide sufficient factual allegations of an employment  
 21 relationship with Las Vegas Sands Corp. and Las Vegas Sands, LLC or any facts as to how these  
 22 entities impacted or controlled Plaintiffs render each of their claims ripe for dismissal as against  
 23 these two Defendants under the pleading standards set forth in *Twombly*, 550 U.S. at 555 and  
 24 *Iqbal*, 556 U.S. at 677-78. Plaintiffs merely offer that Sands Aviation, LLC provides aviation

1 services to Las Vegas Sands Corp. and Las Vegas Sands, LLC and unsubstantiated allegations that  
 2 the collective “Defendants” employed Plaintiffs. (ECF No. 1 at ¶ 10.) Other than lumping every  
 3 entity together as “Defendants,” Plaintiffs do not make any specific allegations directly against Las  
 4 Vegas Sands Corp. and Las Vegas Sands, LLC, nor can they, as they were not employed by either  
 5 entity. Plaintiffs even admit that Sands Aviation, LLC employs the pilots. (*Id.* at ¶ 7.)  
 6 Consequently, Plaintiff has not and cannot satisfy the pleading standards set forth in *Twombly*,  
 7 *Iqbal*, and *Global Horizons* discussed above with regard to Las Vegas Sands Corp. and Las Vegas  
 8 Sands, LLC.  
 9

10 Also, because the Complaint is completely devoid of any direct allegations against Las  
 11 Vegas Sands Corp. and Las Vegas Sands, LLC, Plaintiffs’ Complaint, in its entirety, is not  
 12 properly filed against Las Vegas Sands Corp. and Las Vegas Sands, LLC and should therefore be  
 13 dismissed.<sup>5</sup>

14 **C. Plaintiffs Have Failed to State a Claim for Retaliation**

15 The FLSA prohibits retaliation by employers against employees for asserting rights under  
 16 the FLSA in violation of Section 15(a)(3) of the act, which provides that it is unlawful for an  
 17 employer:  
 18

19 [T]o discharge or in any other manner discriminate against any employee because  
 20 such employee has filed any complaint or instituted or caused to be instituted any  
 21 proceeding under or related to this chapter, or has testified or is about to testify in  
 any such proceeding, or has served or is about to serve on an industry committee.

22 29 U.S.C. § 215(a)(3) (emphasis added). The purposes of the anti-retaliation provision is “to  
 23 provide an incentive for employees to report wage and hour violations by their employers.”

24 <sup>5</sup> Defendants believe that Plaintiffs will try and seek leave to amend; however, Plaintiffs would be  
 25 disingenuous in doing so. Accordingly, leave to amend would be futile because Plaintiffs cannot  
 26 allege in good faith any facts that would qualify Las Vegas Sands Corp. or Las Vegas Sands, LLC  
 as their employer for purposes of the FLSA, nor can they demonstrate that these entities impacted  
 or controlled their employment relationship.

1       *Lambert v. Ackerley*, 180 F.3d 997, 1004 (9th Cir.1999) (en banc), *cert. denied*, 528 U.S. 1116  
 2 (2000) (emphasis added).

3       Here, Plaintiffs make general and vague allegations that, when they voiced their opinions  
 4 about overtime, Defendants would somehow retaliate. (ECF No. 1, ¶ 252.) When reviewing the  
 5 thirty-two page complaint, the only Plaintiff that has any allegations remotely describing protected  
 6 activity pursuant to the FLSA's anti-retaliation provision is Plaintiff Weston, who claims he  
 7 informed his employer that he was eligible for overtime. (*Id.* at ¶¶ 91-92.) The remaining  
 8 Plaintiffs, Snider, Kennedy, Ward, and Williamson, make zero allegations that they themselves  
 9 reported wage and hour violations, filed a complaint, etc. and were retaliated against as a result of  
 10 these complaints. They generally allege that they had communications with Defendants'  
 11 managers, executives, and other employees regarding the topic of overtime, yet provide no  
 12 additional context as to who complained, when and to whom, and how those complaints resulted in  
 13 an adverse employment action – *i.e.*, there is no additional reference to specific complaints  
 14 protected by 29 U.S.C. § 215(a)(3).

15       Because Plaintiffs failed to plead facts that give rise to an FLSA retaliation claim, this  
 16 claim should be dismissed.

17       D.      **In the Alternative, Plaintiffs Should be Required to Provide a More Definite**  
 18            **Statement as to Each of Their Individual Claims for Retaliation.**

19       Rule 12(e) provides, in pertinent part:

20       A party may move for a more definite statement of a pleading to which a responsive  
 21            pleading is allowed but which is so vague or ambiguous that the party cannot  
 22            reasonably prepare a response.

23       Fed. R. Civ. P. 12(e). Such a motion is designed to strike at unintelligibility. *Woods v. Reno*  
 24           *Commodities, Inc.*, 600 F. Supp. 574, 580 (D. Nev. 1984). Vagueness or lack of detail “should be  
 25            attacked by a motion for a more definite statement.” *Harman v. Valley Nat. Bank of Ariz.*, 339  
 26            F.2d 564, 567 (9th Cir. 1964), quoting Moore's Federal Practice par. 12.08, pp. 2245-46. If a  
 27            plaintiff does not provide “a short and plain statement of the claim pursuant to FRCP 8(a) such that

1 defendant does not have fair notice of the claim and the grounds on which it rests, then a Rule  
 2 12(e) motion is appropriate.” *Home & Nature, Inc. v. Sherman Specialty Co., Inc.*, 322 F. Supp. 2d  
 3 260, 265 (E.D.N.Y. 2004); *see also Underwood v. Archer Mgmt. Servs., Inc.*, 857 F. Supp. 96, 97  
 4 (D. D.C. 1994).

5 As a practical matter, confusing complaints impose unfair burdens on litigants and judges.  
 6 *See McHenry v. Renne*, 84 F.3d 1172, 1179 (9th Cir. 1996). To perform their respective  
 7 responsibilities, judges and opposing counsel cannot use vague and ambiguous complaints. *Id.*  
 8 Confusing and unclear complaints lead to “discovery disputes and lengthy trials, prejudicing  
 9 litigants in other cases who follow the rules, as well as defendants in the case in which the [vague  
 10 and ambiguous] pleading is filed.” *Id.* at 1180. Furthermore, defendants are put at risk “that  
 11 plaintiff[s] will surprise them with something new at trial which they reasonably did not  
 12 understand to be in the case at all, and that res judicata effects of settlement and judgment will be  
 13 different from what they reasonably expected.” *Id.*

14 As the Complaint now stands, it does not properly notify Defendants of any of the facts and  
 15 circumstances surrounding Plaintiffs claim(s) for retaliation with which they allege. More  
 16 specifically, Defendants are left guessing which Plaintiffs have claims for retaliation, what their  
 17 purported protected activity was, when their individual complaints were made, to whom the  
 18 complaints were made, and the actual alleged adverse actions that resulted from their alleged  
 19 purported protected activity. In other words, the Complaint does not clearly indicate which  
 20 Plaintiffs are raising this claim.<sup>6</sup> Where Defendants are prevented from asserting various defenses  
 21 because of the lack of detail set forth in the Complaint, a motion for more definite statement  
 22 pursuant to FRCP 12(e) is appropriate. *See McHenry v. Renne*, 84 F.3d 1172, 34 Fed.R.Serv.3d  
 23 1555 (9th Cir. 1996) (Court notes with approval the district court’s order requiring plaintiffs to re-  
 24 plead their complaint due to defendants’ inability to respond to the same). Should this Court grant  
 25 Plaintiffs an opportunity to provide a more definite statement, at a minimum Plaintiffs must

26  
 27 <sup>6</sup> By way of example, Plaintiffs’ first Cause of Action for Unpaid Overtime Pursuant to 29 USC §  
 28 207(a), 29 USC § 216(b) and 29 USC § 255(a) specifies that this cause of action is by “All  
 Plaintiffs Against All Defendants.” (ECF No. 1, p. 27:14.)

1 provide the following information: (1) each of their alleged protected activity, including when a  
 2 complaint was made, to whom, and what the complaint was about; and (2) what adverse/retaliatory  
 3 action was taken, when, and by whom.

4 **IV. CONCLUSION**

5 Plaintiffs' Complaint as against Las Vegas Sands Corp. and Las Vegas Sands, LLC must be  
 6 dismissed because neither Defendant employed the Plaintiff and, therefore, is not an employer  
 7 within the meaning of the FLSA. Moreover, permitting an amendment to allege facts against these  
 8 entities would be futile.

9 Further, Plaintiffs' Complaint fails to state sufficient facts in support of their individual  
 10 retaliation claims to survive dismissal under the standard set forth in *Twombly* and *Iqbal*.  
 11 Defendants are left guessing what the alleged retaliatory acts are because they include a multitude  
 12 of information irrelevant to the underlying claims, which are subject to Defendants' Motion to  
 13 Strike, filed concurrently with this Motion. Plaintiffs' claim for retaliation should, therefore, be  
 14 dismissed, or in the alternative, Plaintiffs should be required to provide Defendants and this Court  
 15 with a more definite statement by way of a First Amended Complaint.

16 Dated this 3rd day of May, 2017.

17 **OGLETREE, DEAKINS, NASH, SMOAK &  
 18 STEWART, P.C.**

19 /s/ Dana B. Salmonson

20 Anthony L. Martin

21 Dana B. Salmonson

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25 *Attorneys for Defendants Las Vegas Sands  
 26 Corp. Sands Aviation, LLC, and Las Vegas  
 27 Sands, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically transmitted the attached **DEFENDANTS' LAS VEGAS SANDS CORP., SANDS AVIATION, LLC, AND LAS VEGAS SANDS, LLC'S (I) MOTION FOR PARTIAL DISMISSAL OF PLAINTIFFS' COMPLAINT AND/OR (II) REQUEST FOR MORE DEFINITE STATEMENT** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

**Andre M. Lagomarsino, Esq.**

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby further certify that service of the foregoing **DEFENDANTS' LAS VEGAS SANDS CORP., SANDS AVIATION, LLC, AND LAS VEGAS SANDS, LLC'S (I) MOTION FOR PARTIAL DISMISSAL OF PLAINTIFFS' COMPLAINT AND/OR (II) REQUEST FOR MORE DEFINITE STATEMENT** was also made by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Las Vegas, Nevada, to the following:

Andre M. Lagomarsino, Esq.  
Lagomarsino Law  
3005 West Horizon Ridge Parkway  
Suite 241  
Henderson, NV 89052

Dated this 3rd day of May, 2017.

/s/ Mindy Warner  
An Employee of Ogletree, Deakins, Nash,  
Smoak & Stewart, P.C.